

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TENNESSEE

In re:

Case No.
Chapter
Adversary Proceeding No.

Debtor.

ELECTION TO HAVE APPEAL HEARD BY UNITED STATES DISTRICT COURT

The appellant, _____, pursuant to 28 U.S.C. § 158(c) and Federal Bankruptcy Rule 8003(e), hereby elects to have the appeal of _____
_____ [*describe order in the matter or proceeding appealed*], which was entered by the United States Bankruptcy Court for this judicial district on _____ [*date of order being appealed*], heard by the United States District Court for the Western District of Tennessee rather than by the Bankruptcy Appellate Panel.

Attorney for Appellant
[Address, telephone and fax numbers]

[Certificate of Service on Parties to Appeal]

COMMENT

At the present time, only the Western District of Tennessee has opted to permit appeals from its bankruptcy court go to the bankruptcy appellate panel (“BAP”) for the Sixth Circuit, as an alternative to being heard by the district court. See § 28.02. Under Federal Bankruptcy Rule 8003(e) and Local BAP Rule 8001-3, when an appellant has a choice between these two appellate courts and wishes the appeal to be heard by the district court, an election to have the appeal so heard must be filed at the time of filing the notice of appeal. Such an election must be contained in a separate writing other than in the notice of appeal in order to comply with the rules. If the other parties to the appeal wish to elect the district court instead of the BAP, those parties must file their separate written election within thirty days after service of the notice of appeal. In the absence of the separate written election, all bankruptcy appeals from the Western District of Tennessee go automatically to the BAP.